

1 TRACY L. MAINGUY, Bar No. 176928
2 OPERATING ENGINEERS LOCAL UNION NO. 3 TRUST FUNDS - MULTI-SERVICES
3 1620 South Loop Road
4 Alameda, CA 94502
5 (510) 748-7474

6 Attorney for the Plaintiffs

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **(SAN FRANCISCO DIVISION)**

11 KEN WALTERS, JOHN BONILLA, in their
12 respective capacities as Trustees of the
13 OPERATING ENGINEERS HEALTH AND
14 WELFARE TRUST FUND FOR
15 NORTHERN CALIFORNIA, et al.,

16 Plaintiffs,

17 vs.

18 DREXAL POWER, INC., et al.,

19 Defendants.

Case No. C 04 0855 SC
Assigned to Honorable Samuel Conti

**STIPULATION TO DISMISS ACTION
WITHOUT PREJUDICE; ORDER
THEREON**

Complaint Filed: March 2, 2004

20 Plaintiffs and Defendant, DREXAL POWER, INC., stipulate and agree to the following:

21 1. The above-captioned matter is dismissed without prejudice pursuant to Federal
22 Rule of Procedure 41(a)(1).

23 2. Each party will bear their own attorneys' fees and costs relating to this
24 proceeding.

25 Dated this 5th day of June of 2006

26 OPERATING ENGINEERS LOCAL UNION
27 NO. 3 TRUST FUNDS – MULTI-SERVICES

28 By: /s/
TRACY L. MAINGUY
Attorney for Plaintiffs

1 Dated this 5th day of June of 2006

2 KLEIN, DeNATALE, GOLDNER,
3 COOPER, ROSENLIEB & KIMBALL, LLP

4
5 By: /s/
6 TIMOTHY G. SCANLON
7 Attorney for Defendant,
8 DREXAL POWER, INC.

9 **ORDER**

10 Based upon the above-stated stipulation for dismissal of action without prejudice and
11 pursuant to Federal Rule of Procedure 41 (a)(1), this action is dismissed without prejudice as to
12 the Defendant, DREXAL POWER, INC.

13 DATED: 6/8/06

14
15 HON. UNITED STATES DISTRICT COURT
16 JUDGE NORTHERN DISTRICT OF CALIFORNIA

